



Case No. 1:07-CV-1257  
Gwin, J.

encompass delays “caused by inadvertence, mistake or carelessness,” at least when the delay was not long, there is no bad faith, there is no prejudice to the opposing party, and movant’s excuse has some merit.

*LoSacco v. City of Middletown*, 71 F.3d 88 (2d Cir. 1995) (quoting *Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380, 388, 392, 394-95 (1993)). *See also Nafziger v. McDermott Int’l Inc.*, 467 F.3d 514, 522 (6th Cir. 2006) (quoting *Pioneer*).

In reviewing the docket and EquiFirst’s excuse for the late filing of its Answer, the Court finds that Defendant’s delay results from their “excusable neglect” of not apprising themselves of this District’s Local Rules, in addition to the requirements of the Federal Rules of Civil Procedure. While the Court does not encourage such inadvertence, it recognizes that EquiFirst did not pursue dilatory delay in bad faith, Defendant’s excuse has “some merit,” and allowing the filing does not prejudice Plaintiffs.

## II. Conclusion

For these reasons, the Court **GRANTS** EquiFirst’s motion for leave to file *instantly* its Answer to Plaintiffs’ Complaint. In addition, the Court **ORDERS** Plaintiffs to file a response to Defendant’s motion to dismiss within fourteen days, after which the Court will consider the issues raised by EquiFirst in its motion to dismiss as ripe for ruling.

IT IS SO ORDERED.

Dated: June 26, 2007

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE